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August 1, 2003

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, D.C. 20554

Re: **CC Docket 94-102**  
**Enhanced 911 Tier III Interim Report**  
Sussex Cellular, Inc.

Dear Ms. Dortch:

On behalf of the above-referenced carrier there is transmitted herewith a narrative statement regarding the company's E-911 deployment and implementation status. The filer is a Tier III carrier submitting its Interim Report in accordance with the provisions of the Commission's Order in *Revision of Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket 94-102, Order To Stay (rel. July 26, 2002) and the subsequent FCC Public Notice released June 30, 2003, DA 03-2113.

If questions arise with regard to this filing, please contact the undersigned.

Very truly yours,



Pamela L. Gist

## **Enhanced 911 Tier II Interim Report**

### **Sussex Cellular, Inc.**

#### Background

Sussex Cellular, Inc. ("Sussex"), a small independent Tier III carrier with seven employees, currently provides AMPS cellular service in NJ RSA 3A, Sussex County, New Jersey. The NJ RSA 3A encompasses roughly 550 square miles of "mountainous" terrain, approximately 35 percent of which consists of unoccupied national, state or local parkland or wildlife preserve, and includes suburban-to-rural bedroom communities that have relatively low average population densities. The communities served by Sussex are dependent economically on the New York Consolidated MSA. The majority of the Sussex County workforce commutes daily to jobs outside Sussex's CGSA. Sussex competes for the approximately 140,000 residents of Sussex County against well-financed Tier I carriers that market their service in Sussex County and the adjacent New York/New Jersey/Philadelphia Metro Areas. These carriers include Verizon Wireless, AT&T Wireless, Cingular, T-Mobile, Nextel and Sprint PCS.

#### E-911 Phase II Status

In November 2000, Sussex filed its E911 Report with the Commission. Therein, Sussex described its plans for implementing a Phase II E911 automatic location identification ("ALI") system and advised the Commission of its selection of the handset-based approach. In September 2001, Sussex filed a petition for waiver of Sections 20.18(e) and (g) of the Commissions Rules, and was granted an extension.

Since 1993 when requested by the authorities, Sussex has delivered 911 calls to the New Jersey State Police Barracks at Totowa, New Jersey, situated approximately 30 miles southeast of Sussex's CGSA. Sussex has not received a Phase II request from a specific PSAP. The State of New Jersey Office of Information Technology requested in 2001 that Sussex provide Phase II on a statewide basis. Sussex notified the Office of Information Technology that Sussex was an RSA cellular carrier licensed to provide service only in Sussex County, NJ and could not provide Phase II as requested. Sussex has not received any additional communications from the Office of Information Technology. Sussex continues to deliver all 911 calls to the New Jersey State Police Barracks at Totowa, New Jersey.

Sussex system is an AMPS network. Sussex is not aware of any analog handsets that are ALI capable. Sussex believes that the only resolution is to upgrade its cellular network, which is currently not financially feasible. Sussex anticipates a network migration to CDMA, though a timeline has not been established due to a projected cost of several million dollars, which cannot be supported from cashflow. Sussex is aware of CDMA handsets that are advertised by a manufacturer as ALI capable.

The marketability of CDMA -ALI capable handsets is also a concern. Sussex focuses on marketing reconditioned handsets, which can be offered at a much lower price than new handsets. The extreme competitive nature of the market makes it necessary to distribute cellular phones at a very low retail price. Sussex will however, make new handsets available that are Analog/Digital capable and are advertised by the manufacturer as ALI capable in anticipation of a network upgrade. Sussex does not believe that these handsets will be purchased by consumers due to cost concerns of consumers and the extreme competitive nature of our market.

It is difficult to anticipate the date at which Phase II will be available or if Sussex will be able to meet the December 2005 ultimate implementation date. As previously discussed, Phase II is contingent first upon upgrading the network to CDMA, at a projected cost of several million dollars. Sussex will continue to deliver all 911 calls to the New Jersey State Police Barracks at Totowa, New Jersey, unless otherwise notified.


# A F F I D A V I T

County of Sussex )  
 ) SS:  
State of New Jersey )

I, David A. Lane, having been first duly sworn, depose and state as follows:

1. I am president for Sussex Cellular, Inc.. I am familiar with the facts contained in the foregoing Interim Report of the status of Enhanced 911 Phase II compliance, and I verify that those facts are true and correct to the best of my knowledge and belief, except that I do not and need not attest to those facts which are subject to official notice by the Commission.

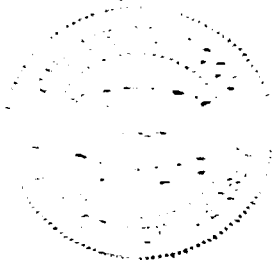
I declare under penalty of perjury that the foregoing is true and correct.

  
David A. Lane  
President  
Sussex Cellular, Inc.

Subscribed to and sworn to before me  
this 30<sup>th</sup> day of July, 2003.

Cherie M. Wood  
Notary Public

My commission expires:



**CHERIE M. WOOD**  
**NOTARY PUBLIC OF NEW JERSEY**  
**MY COMMISSION EXPIRES AUG. 14, 2008**

## **CERTIFICATE OF SERVICE**

I, Daniel Ladmirault, an employee in the law offices of Lukas, Nace, Gutierrez & Sachs, Chartered, do hereby certify that I have on this 1<sup>st</sup> day of August, 2003, sent by hand-delivery, a copy of the foregoing Enhanced 911 Tier III Interim Report of Sussex Cellular, Inc. to the following:

John Muleta, Chief\*  
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Federal Communications Commission  
445 12th Street, S.W., Room 3-C252  
Washington, D.C. 20554

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Enforcement Bureau  
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Daniel Ladmirault

\*via hand-delivery